

1  
2  
3  
4 ADAM BLUEFORD, et al.,  
5 Plaintiffs,  
6 v.  
7 CITY OF OAKLAND, et al.,  
8 Defendants.

9 Case No. [12-cv-03791-WHO](#)  
10  
11

**SECOND ORDER RE  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

Re: Dkt. No. 48

12 In the Court's February 6, 2014 Order re Administrative Motion to File Under Seal, the  
13 Court directed defendants to file a declaration demonstrating that compelling reasons justify  
14 sealing specific portions of Exhibits A & C to the declaration of Benjamin Nisenbaum (the  
15 Internal Affairs interview of Officer Masso and Officer's Masso's deposition transcript). The  
16 Court explained that defendants could not rely on the fact that those documents were marked  
17 confidential under the Protective Order in this case and would, instead, have to articulate a factual  
18 basis explaining why specific portions of those exhibits should be sealed under the "compelling  
19 reasons" standard. Docket No. 49.

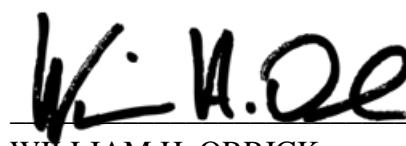
20 The declaration defendants filed in response, on February 10, 2014, is deficient. The  
21 declaration does not, contrary to the Court's directive, explain why specific portions of Exhibits A  
22 & C should be sealed under the compelling reasons standard. Instead the declaration asserts,  
23 without any factual basis or context, that all information in Exhibits A & C should be sealed  
24 because the documents "are not the type normally released to the public" and release could  
25 implicate the "right to privacy" in the "investigatory work" of unspecified individuals. The  
26 declaration not only fails to seek narrowly tailored sealing of specific information, it does not  
27 provide any compelling reasons to justify the proposed sealing.

28 The Court will not hunt through Exhibits A & C to find a compelling reason to seal

1 information. If defendants believe that specific portions of Exhibits A & C should be filed under  
2 seal, defendants must within four (4) days of the date of this Order provide a supplemental  
3 declaration that meets the compelling reasons standard required under Ninth Circuit precedent.  
4 See Order 49. If defendants do not file a supplemental declaration and/or the declaration does not  
5 show that the compelling reasons standard has been met, the Court shall file Exhibits A & C in the  
6 public record.

7 **IT IS SO ORDERED.**

8 Dated: February 13, 2014



9  
10 WILLIAM H. ORRICK  
United States District Judge